

### **REMARKS**

Examiner has rejected claims 1 through 7, 9 through 16, 18 through 25 and 27 under 35 U.S.C. § 102.

Examiner has indicated claims 8, 17 and 26 are objected to while containing allowable subject matter.

### **Objections to claims 8, 17 and 26**

Examiner has indicated claims 8, 17 and 26 would be allowable if rewritten in independent for including all limitations of the base claim and any intervening claim. Applicant has so amended claims 8, 17 and 26.

### **Rejection under 35 U.S.C. § 102(e)**

Examiner has rejected claims 1 through 7, 9 through 16, 18 through 25 and 27 under 35 U.S.C. § 102 (e) as being anticipated by USPN 6,216,248 (McConnell). Applicant has amended the claims to overcome the rejection. Applicant respectfully traverses the rejections as to the claims as amended.

### **Criteria for a Rejection under 35 U.S.C. § 102**

The criteria for a rejection under 35 U.S.C. § 102 has been clearly defined by the courts and confirmed by the U.S. Patent and Trademark Office. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053

(Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Below, Applicant points out subject matter within each independent claim that is not disclosed or suggested by McConnell. On the basis of this, Applicant believes all the claims are patentable over McConnell.

#### Discussion of Independent Claim 1

Claim 1 sets out a computing system. Data storage includes a plurality of storage segments. The plurality of storage segments have different data protection levels. Data are stored in the plurality of storage segments based on data reliability requirements.

Within every storage segment redundant data is stored. Different data protection levels are achieved using varying percentages of redundant data being stored with the data. This is not disclosed or suggested by McConnell.

In McConnell error correction can be turned on or turned off. See column 3, lines 14 through 17. When error correction is turned off, no error correction data is stored. McConnell does not disclose or suggest storing redundant data in *every* storage segment and achieving different data protection levels using varying percentages of redundant data being stored with the data, as set out in claim 1.

#### Discussion of Independent Claim 4

Claim 4 sets out that within a computing system, different data protection levels are achieved by implementing storage segments with different data protection levels using different types of storage media. This is not disclosed or suggested by McConnell. In McConnell, all the data is stored in the first data area. See column 4, lines 10 through 13. Thus all the data in McConnell is stored in memory of the same type. McConnell does not disclose or suggest implementing storage segments with different data protection levels using different types of storage media, as set out in claim 4 of the present case.

#### Discussion of Independent Claim 10

Claim 10 sets out a data storage system that includes a plurality of storage segments. The plurality of storage segments have different data protection levels. A controller stores data in the plurality of storage segments based on data reliability requirements.

Within every storage segment, redundant data is stored. Different data protection levels are achieved using varying percentages of redundant data being stored with the data. This is not disclosed or suggested by McConnell.

In McConnell, error correction can be turned on or turned off. See column 3, lines 14 through 17. When error correction is turned off, no error correction data is stored. McConnell does not disclose or suggest storing redundant data in *every* storage segment and achieving different data protection

levels using varying percentages of redundant data being stored with the data, as set out in claim 10.

#### Discussion of Independent Claim 13

Claim 13 sets out that within a data storage system, different data protection levels are achieved by implementing storage segments with different data protection levels using different types of storage media. This is not disclosed or suggested by McConnell. In McConnell, all the data is stored in the first data area. See column 4, lines 10 through 13. Thus all the data in McConnell is stored in memory of the same type. McConnell does not disclose or suggest implementing storage segments with different data protection levels using different types of storage media, as set out in claim 13 of the present case.

#### Discussion of Independent Claim 19

Claim 19 sets out a method for storing data. In claim 19, within every storage segment redundant data is stored. Different data protection levels are achieved using varying percentages of redundant data being stored with the data. This is not disclosed or suggested by McConnell.

In McConnell error correction can be turned on or turned off. See column 3, lines 14 through 17. When error correction is turned off, no error correction data is stored. McConnell does not disclose or suggest storing redundant data in *every* storage segment and achieving different data protection levels using

varying percentages of redundant data being stored with the data, as set out in claim 19.

#### Discussion of Independent Claim 22

Claim 22 sets out a method for storing data. Within claim 22, different data protection levels are achieved by implementing storage segments with different data protection levels using different types of storage media. This is not disclosed or suggested by McConnell. In McConnell, all the data is stored in the first data area. See column 4, lines 10 through 13. Thus all the data in McConnell is stored in memory of the same type. McConnell does not disclose or suggest implementing storage segments with different data protection levels using different types of storage media, as set out in claim 22 of the present case.

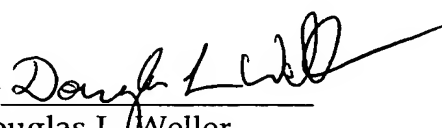
#### Conclusion

Applicant believes this Amendment has placed the present case in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

PAUL J. MCCLELLAN  
WILLIAM ALLEN

By

  
Douglas L. Weller  
Reg. No. 30,506

July 27, 2004  
Santa Clara, California  
(408) 985-0642